

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: 3850 Mill Creek Lane - Alicia Stewart, applicant; Request for a side street setback variance from 25 feet to 9 feet for a 6-foot privacy fence in R-1AA (Single Family Dwelling) district.

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Kathy Fall **CONTACT:** Joy Williams **EXT.** 7399

Agenda Date 1/25/10 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **Deny** the request for a side street setback variance from 25 feet to 9 feet for a 6-foot privacy fence in R-1AA (Single Family Dwelling) district; or
2. **Approve** the request for a side street setback variance from 25 feet to 9 feet for a 6-foot privacy fence in R-1AA (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicant: Alicia Stewart</p> <p>Location: 3850 Mill Creek Lane</p> <p>Zoning: R-1AA (Single Family Dwelling)</p> <p>Subdivision: Sutters Mill</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is requesting a variance for an existing privacy fence that is encroaching 16 feet into the required 25-foot side street setback. • On December 14th, 2009, the applicant received a notice of code violation for the un-permitted construction of the fence. • In 2001 the property was granted a side street setback variance from 25 feet to 19 feet for a pool.
STAFF FINDINGS	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none"> • No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved

Reviewed by:
Co Atty: gac
Pln Mgr: _____

	<p>and which are not applicable to other lands, structures or building in the same zoning district.</p> <ul style="list-style-type: none">• Special conditions and circumstances result from the actions of the applicant.• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate that all six criteria under the Land Development Code for granting a variance have been satisfied. If the Board should decide to grant a variance, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the side street setback for a 6-foot privacy fence as depicted on the attached site plan; and• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.

INDEX OF ATTACHMENTS

Items that are checked are included in the packet

- ☒ Staff Report
- ☒ Application
- ☐ Applicant statement of request
- ☒ Proposed Site Plan
- ☒ Location map
- ☒ Property Appraiser data sheet
- ☐ PUD Commitment Card, *if applicable*

Support information:

- ☐ Proposed elevation drawings, renderings, floor plans, etc
- ☐ Aerials, *if warranted*
- ☐ Plat, *if warranted*
- ☒ Code Enforcement information
- ☐ Building Permit information
- ☐ Correspondence
- ☐ Authorization letter
- ☒ Applicant Authorization Form
- ☐ Supporting documentation
- ☐ Letters of support
- ☐ HOA approval letter
- ☐ Pictures provided by applicant
- ☐ Other miscellaneous documents

- ☒ Proposed Development Order

Fee: \$150.00 plus \$50.00 for each additional variance

Application # BU 2009-121
Meeting Date 1-25-2010



VARIANCE APPLICATION **COPY**

SEMINOLE COUNTY PLANNING DIVISION ROOM 2201
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: Alicia M. Stewart
Address: 3850 Mill Creek Lane City: Casselberry Zip code: 32707
Project Address: _____ City: _____ Zip code: _____
Tax Parcel number: 23-21-30-504-0000-0620
Contact number(s): (407) 766-3112
Email address: Astewart-H076@yahoo.com

Is the property available for inspection without an appointment?

☒ Yes

☐ No

If gated please provide a gate code to staff.

RECEIVED DEC 18 2009

What type of structure is this request for?

<input type="checkbox"/> Shed	Please describe:
<input checked="" type="checkbox"/> Fence	Please describe: <u>WOOD PANEL</u>
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Covered screen room	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:

☐ This request is for a structure that has already been built.

What type of variance is this request?

<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:	
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:	
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:	
<input checked="" type="checkbox"/> Side street setback	Required setback:	<u>25 ft.</u>	Proposed setback:	<u>9 ft.</u>
<input type="checkbox"/> Fence height	Required height:		Proposed height:	
<input type="checkbox"/> Building height	Required height:		Proposed height:	

Use below for additional yard setback variance requests:

<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:	

☒ Total number of variances requested 1

Signed:

Alicia Stewart

Date:

12-18-09

FOR OFFICE USE ONLYDate Submitted: 12-18-09Reviewed By: P. JohnsonZoning/FLU R-1AA/ LOR

- ☐ Legally created parcel (1971 tax roll, 5-acre dev, lot split)
- ☐ Platted Lot (check easements as shown on lots, in notes or in dedication)
- ☐ Lot size _____ ☐ Meets minimum size and width
- ☐ Application and checklist complete

Notes: _____

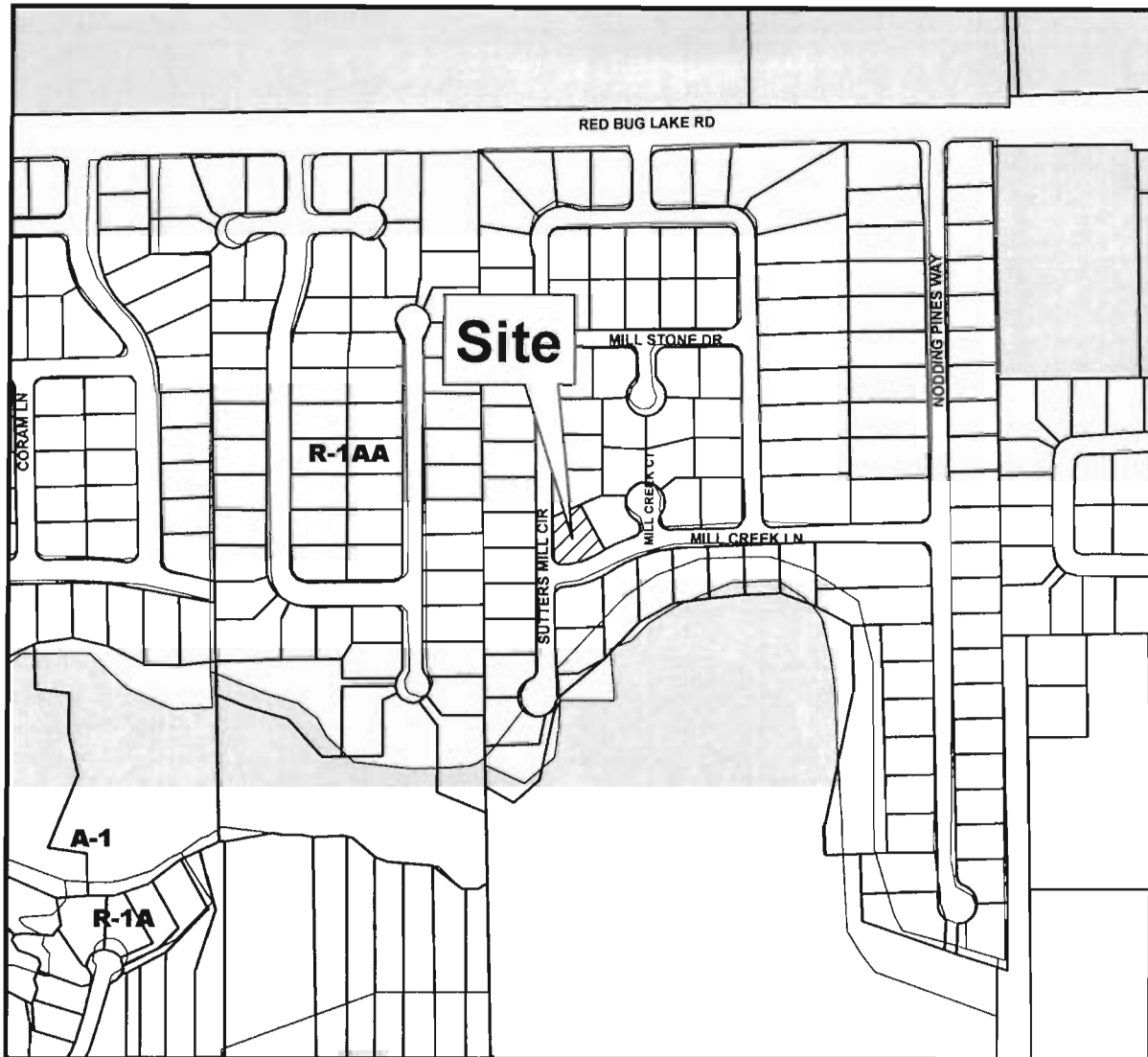
VARIANCE SUBMITTAL CHECKLISTPlease return this checklist with your application!

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist is provided to the Planning division.

After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.





	1. Completed application.
	2. Ownership Disclosure Form (Seminole County Application & Affidavit).
	3. Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
	4. Provide a legible 8 ½ x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	o Please start with a clean survey (ex: white out old approval stamps)
	o Size and dimension of the parcel
	o Location and name of all abutting streets
	o Location of driveways
	o Location, size and type of any septic systems, drain field and wells
	o Location of all easements
	o Existing or proposed house or addition (Label existing, label proposed, and include square footage and dimensions of each)
	o Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	o Building height
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	o Identification of available utilities (ex: water, sewer, well or septic)
	5. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

Alicia Stewart
3850 Mill Creek Lane
Casselberry, FL 32707



Seminole County Board of Adjustment
January 25, 2010
Case: BV2009-121 (Map 3211 Grid A2)
Parcel No: 23-21-30-504-0000-0620

Zoning

-  BV2009-121
-  A-1
-  R-1AA
-  R-1A



PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-655-7806		<div style="text-align: center;"> </div>																																																																
GENERAL Parcel Id: 23-21-30-504-0000-0620 Owner: STEWART ALICIA M Mailing Address: 2525 ROSE SPRING DR City, State, Zip Code: ORLANDO FL 32825 Property Address: 3850 MILL CREEK LN CASSELBERRY 32707 Subdivision Name: SUTTERS MILL UNIT 1 Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 01-SINGLE FAMILY		VALUE SUMMARY <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>VALUES</th> <th>2010 Working</th> <th>2009 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td>Cost/Market</td> <td>Cost/Market</td> </tr> <tr> <td>Number of Buildings</td> <td>1</td> <td>1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td>\$113,711</td> <td>\$124,123</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td>\$12,636</td> <td>\$13,016</td> </tr> <tr> <td>Land Value (Market)</td> <td>\$30,000</td> <td>\$30,000</td> </tr> <tr> <td>Land Value Ag</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Just/Market Value</td> <td>\$156,347</td> <td>\$167,139</td> </tr> <tr> <td>Portability Adj</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td>\$156,347</td> <td>\$167,139</td> </tr> </tbody> </table> <p style="text-align: right;">Tax Estimator</p>	VALUES	2010 Working	2009 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$113,711	\$124,123	Depreciated EXFT Value	\$12,636	\$13,016	Land Value (Market)	\$30,000	\$30,000	Land Value Ag	\$0	\$0	Just/Market Value	\$156,347	\$167,139	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$156,347	\$167,139																															
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NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished																																																																		
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EXTRA FEATURE

Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1980	1	\$480	\$1,200
POOL GUNITE	2002	450	\$7,200	\$9,000
COOL DECK PATIO	2002	782	\$2,190	\$2,737
ALUM GLASS PORCH	2002	247	\$2,768	\$3,458

NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.

*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Owner of the real property associated with this application is a (check one)

☒ Individual ☐ Corporation ☐ Land Trust

☐ Limited Liability Company ☐ Partnership

☐ Other (describe): _____

1. List all **natural persons** who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

NAME	ADDRESS	PHONE NUMBER
Alicia Stewart	3850 Mill Creek Lane Casselberry FL 32707	407-766-3112

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

3. In the case of a **trust**, list the name and address of each trustee and the name and address of the beneficiaries of the trust and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: _____

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: _____

NAME	ADDRESS	% OF INTEREST

Date of Contract: _____

Please specify any contingency clause related to the outcome of the consideration of the application.

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezoning, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

Date

12-18-09

Owner, Agent, Applicant Signature

Alicia Stewart

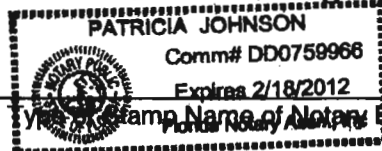
STATE OF FLORIDA

COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 18th day of December, 2009 by Alicia

Stewart

Patricia Johnson
Signature of Notary Public



Print, Type, and Stamp Name of Notary Public

Personally Known _____ OR Produced Identification ✓

Type of Identification Produced Florida Driver License

For Use by Planning & Development Staff

Date: _____

Application Number: _____

NOTICE OF CODE VIOLATION

LOCATION OF VIOLATION: 3850 mill creek ln

IN ACCORDANCE WITH SEMINOLE COUNTY CODES YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF THE FLORIDA BUILDING CODE CHAPTER ONE, SECTION 105.1, PERMITS REQUIRED.

DESCRIPTION OF VIOLATION:

installed 6' fence without a permit

CORRECTIVE ACTIONS:

**** OBTAIN REQUIRED PERMITS FOR ALL WORK THAT IS BEING DONE. ****

NOTE: Continuing to work on this project without a permit and inspections may result in additional cost and require removal of materials to expose concealed work for inspection

THE ABOVE CORRECTIVE ACTIONS MUST BE TAKEN BY: 12-24-09

FAILURE TO CORRECT THE ABOVE VIOLATION WILL RESULT IN THE MATTER BEING TURNED OVER TO THE CODE ENFORCEMENT BOARD FOR FURTHER ACTION. THE CODE ENFORCEMENT BOARD HAS AUTHORITY TO LEVY FINES UP TO \$250.00 A DAY FOR EVERY DAY THE VIOLATION EXISTS.

☐ IF CHECKED, A LICENSE REVOCATION HEARING WILL BE SCHEDULED FOR APPLICABLE CONTRACTOR VIOLATIONS



For further information contact:

**Seminole County Building Division
1101 East First Street, Room 1020
Sanford, FL 32771-1468**

PHONE: (407) 665-7050

DATE: 12/14/2009

CASE NO: 09-460

INSPECTOR: #197 Howard 407-463-7643

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 25, 2010, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 62
SUTTER'S MILL UNIT 1 PB 24 PGS 6 & 7

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Alicia Stewart
3850 Mill Creek Lane
Casselberry, FL 32707

Project Name: Mill Creek Lane (3850)

Requested Variance:

A side street setback variance from 25 feet to 9 feet for a 6-foot privacy fence in R-1AA (Single Family Dwelling) district.

Approval was sought to allow a privacy fence to encroach within the side street setback. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Joy Williams, Planner
1101 East First Street
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning Manager

**STATE OF FLORIDA)
COUNTY OF SEMINOLE)**

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2010.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 25, 2010, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 62
SUTTER'S MILL UNIT 1 PB 24 PGS 6 & 7

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Alicia Stewart
3850 Mill Creek Lane
Casselberry, FL 32707

Project Name: Mill Creek Lane (3850)

Variance Approval:

A side street setback variance from 25 feet to 9 feet for a 6-foot privacy fence in R-1AA (Single Family Dwelling) district.

All six criteria for granting a variance under the Land Development Code have been satisfied.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Joy Williams, Planner
1101 East First Street
Sanford, Florida 32771

Order**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - a. The variance granted will apply only to the side street setback for the 6-foot privacy fence as depicted on the attached site plan.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning Manager

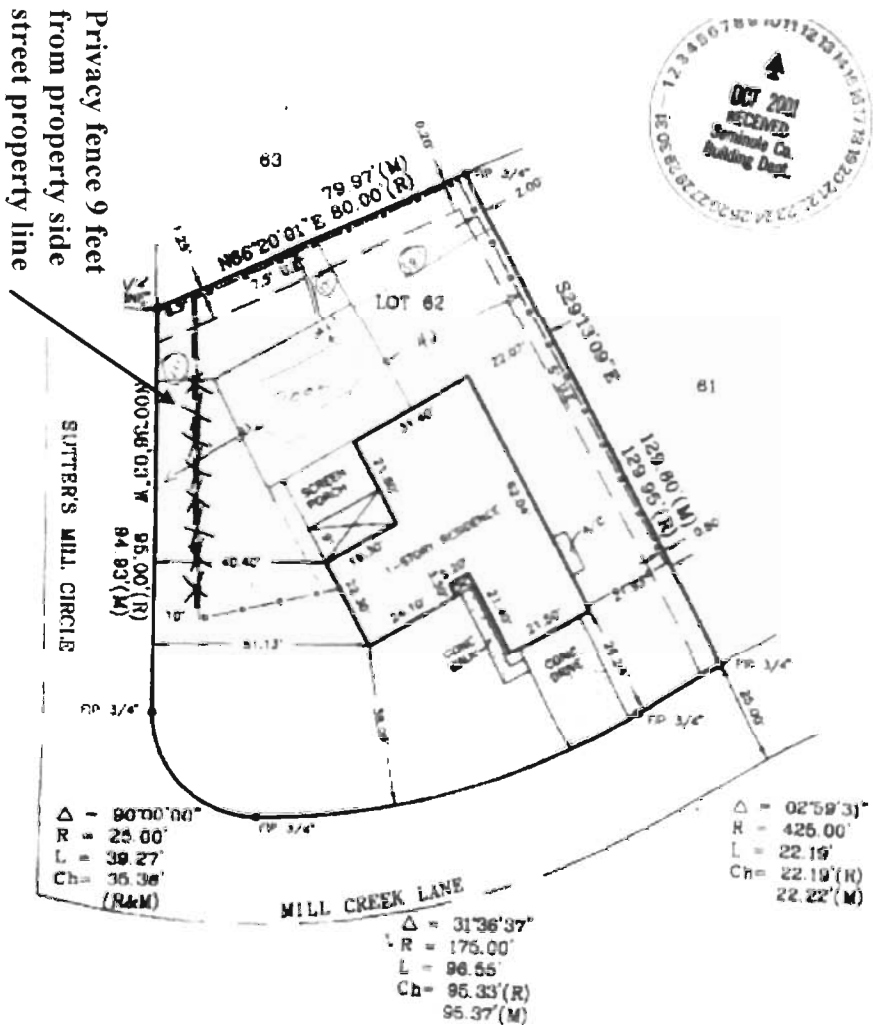
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WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2010.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:



trial Florida
Insurance
successors